

### **REMARKS / ARGUMENTS**

The present application includes pending claims 1-30, all of which have been rejected. By this Amendment, claims 1, 3-5, 7, 13, 15-16, 20-21, and 28 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0059581 ("Billock"). The Applicant respectfully traverses these rejections at least based on the following remarks.

#### **REJECTION UNDER 35 U.S.C. § 102**

##### **I. Billock Does Not Anticipate Claims 1-30**

The Applicant now turns to the rejection of claims 1-30 under 35 U.S.C. 102(b) as being anticipated by Billock. With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

**A. Rejection of Independent Claims 1 and 7 under 35 U.S.C. § 102(b)**

With regard to the rejection of independent claim 1 under 102(b), the Applicant submits that Billock does not disclose or suggest at least the limitation of “associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences,” as recited by the Applicant in independent claim 1.

The Final Office Action states the following:

With respect to Claim 1, the claimed "associating, outside of the home, a plurality of key sequences with a corresponding plurality of media files; receiving one of said plurality of key sequences via manual input within the home" is met by Billock et al. that teach how a user, at a viewing station (14) within a home, to able select a particular video program from among a number of available video programs by using a remote control unit (38) to navigate a selection bar (50) a program selection bar (56) and a selection actuator (62) (Figs.5&6; paragraphs [0027], [0062] & [0069]-[0075]).

See the Final Office Action at page 3. The Examiner relies for support on FIGS. 5-6 and ¶¶ 0027, 0062, and 0069-0075 of Billock. Referring to FIG. 6 of Billock, the Applicant points out that Billock's interactive interface allows the viewer/user to scan through a list of video programs available on a demand telecasting service using the list mode screen 40. For example, a user may use a plurality of actuators, such as actuators 52, 54, 58, and 60, to make a selection. Obviously, a user may select a given program by using a different combination of actuators (the user may move in different directions within the menus until the desired program is selected). In this regard, **there is no specific key code that is associated with a corresponding media file or**

**program. In addition, Billock does not disclose any associating of any key code with a media file or program. The selection in Billock is simply performed by navigating in a menu-like environment, as explained in ¶ 0082-0087 with regard to FIG. 6. Even if we assume for the sake of argument that menu-like navigation of Billock is somehow equivalent (which it is not) to Applicant's associating a key code with a media file, the Examiner's argument is still deficient since such associating is performed within the home and not outside the home, as recited in Applicant's claim 1.**

Therefore, the Applicant maintains that Billock does not disclose or suggest at least the limitation of "associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Billock and is allowable. Independent claim 7 is similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claim 7 is also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Independent Claims 13 and 21 under 35 U.S.C. § 102(b)**

With regard to the rejection of independent claim 13 under 102(b), the Applicant submits that Billock does not disclose or suggest at least the limitation of “in response to said communicated one or both of said key code associated with said media program and data representative of said key code, receiving media content of said media program,” as recited by the Applicant in independent claim 13.

The Final Office Action states the following:

The claimed "in response to said communicated one or both of said key code and data representative of said key code, receiving media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider' is met by Sillock et al. that teach selective transmittal, corresponding to the "VIEWER\_ID", of a listing of available programs and the still images & video previews pertaining to them to a graphics computer (30) (Figs. 1, 2, 5, 9A; paragraphs [0064] & [0094]).

See the Final Office Action at page 6. The Examiner relies for support on FIGS. 1, 2, 5, and 9A and ¶¶ 0064 and 0094 of Billock. More specifically, the Examiner relies on Billock's use of the VIEWER\_ID. Initially, the Applicant points out that the VIEWER\_ID is not a key code that is associated with a particular media program. In fact, Billock's VIEWER\_ID is simply an identification parameter, which, together with the STATION\_ID, is used to identify the user and grant the user access to content that the viewer is authorized to view. Even if we assume that Billock's VIEWER\_ID is a key code associated with a media program (which the Applicant maintains it is not), the

Examiner's argument is still deficient since both the VIEWER\_ID and the STATION\_ID are required for granting access to the authorized content. See Billock at ¶ 0093.

Therefore, the Applicant maintains that Billock does not disclose or suggest at least the limitation of "in response to said communicated one or both of said key code associated with said media program and data representative of said key code, receiving media content of said media program," as recited by the Applicant in independent claim 13.

Accordingly, independent claim 13 is not anticipated by Billock and is allowable. Independent claim 21 is similar in many respects to the method disclosed in independent claim 13. Therefore, the Applicant submits that independent claim 21 is also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 13.

### **C. Rejection of Dependent Claims 2-6, 8-12, 14-20, and 22-30**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 7, 13, and 21 under 35 U.S.C. § 102(b) as being anticipated by Billock has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-6, 8-12, 14-20, and 22-30 depend from independent claims 1, 7, 13, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

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The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-6, 8-12, 14-20, and 22-30.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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\_\_\_\_\_/Ognyan I. Beremski/

Ognyan Beremski, Esq.  
Registration No. 51,458  
Attorney for Applicant

MCANDREWS, HELD & MALLOY, LTD.  
500 WEST MADISON STREET, 34TH FLOOR  
CHICAGO, ILLINOIS 60661  
(312) 775-8000

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